



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none"> Invocation and Pledge of Allegiance Presentations Summary of Current Events Liquor license applications Consent Agenda | <ul style="list-style-type: none"> Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing. Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour. Other Mayor and Council business as listed on the agenda for the meeting. |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Fred Ronstadt – Vice Mayor

Council Members

José J. Ibarra	Ward 1	Shirley C. Scott	Ward 4
Carol W. West	Ward 2	Steve Leal	Ward 5
Kathleen Dunbar	Ward 3	Fred Ronstadt	Ward 6

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:
 Tuesdays – 9:00 p.m. Wednesdays – 9:00 a.m. Sundays – 9:00 a.m.
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

MONDAY, NOVEMBER 22, 2004 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Bishop John McLeod, Central Ward, Tucson Arizona Stake, The Church of Jesus Christ of Latter-day Saints

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager NOV22-04-650 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager NOV22-04-651 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager NOV22-04-646 CITY-WIDE

(b) LIQUOR LICENSE APPLICATION(S)

(1) CAFÉ RAMEY
1661 N. Swan Road, Suite 120
Applicant: Jacki L. Dugan
City #078-04, Ward 6
Series #12
Action must be taken by: November 20, 2004

Staff Recommendation

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance

NOTE: State law provides that for a new license application, “In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license”. (A.R.S. Section 4-201)

Person Transfer(s)

- | | | |
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| (2) | ROCKETT J’S CLASSIC ROCK CAFE
6255 E. Golf Links Road
Applicant: Jay H. Metz
City #086-04, Ward 4
Series #6
Action must be taken by: December 10, 2004 | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance
Bus. License: In Compliance |
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NOTE: For a person to person transfer, Mayor and Council may consider the applicant’s capability, qualifications and reliability.

Person/Location Transfer(s)

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| (3) | BUM STEER
1910 N. Stone Avenue
Applicant: Joseph M. Ciolli
City #084-04, Ward 3
Series #7
Action must be taken by: November 26, 2004 | <u>Staff Recommendation</u>

Police: Review in process
DSD: In Compliance
Bus. License: In Compliance |
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**PUBLIC OPINION: PROTEST FILED
SUPPORT FILED**

NOTE: For a person and location transfer, Mayor and Council may consider the applicant’s capability, qualifications, reliability and location issues.

(c) Special Event(s)

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| (1) | TUCSON BOTANICAL GARDENS
2150 N. Alvernon Way
Applicant: Nancy R. Laney
City #T098-04, Ward 6
Date of Event: 12/3/04
(Fundraising Event) | <u>Staff Recommendation</u>

Police: In Compliance
DSD: In Compliance |
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**PUBLIC OPINION: PROTEST FILED
SUPPORT FILED**

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| <p>(2) NORTH FOURTH AVENUE
 MERCHANTS ASSOC.
 329 E. 7th Street
 Applicant: Daniel G. Matlick
 City #T099-04, Ward 6
 Date of Event: 12/10/04
 12/11/04
 12/12/04
 (Fundraising Community Event)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance</p> |
| <p>(3) THE TUCSON RODEO
 COMMITTEE, INC.
 4801 S. 6th Avenue
 Applicant: Gary G. Williams
 City #T100-04, Ward 5
 Date of Event: 2/19/05
 2/20/05
 2/21/05
 2/22/05
 2/23/05
 2/24/05
 2/25/05
 2/26/05
 2/27/05
 (To stage the Annual Tucson Rodeo - La Fiesta De Los Vaqueros)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance
 Parks: In Compliance</p> |
| <p>(4) TUCSON MUSEUM OF ART
 140 N. Main Avenue
 Applicant: Charlie E. Bodden
 City #T104-04, Ward 1
 Date of Event: 12/2/04
 (Fundraising Event)</p> | <p><u>Staff Recommendation</u></p> <p>Police: In Compliance
 DSD: In Compliance</p> |

6. CONSENT AGENDA – ITEMS A THROUGH E

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker". Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. ZONING: (C9-03-23) LOWE'S – KOLB ROAD C-1 TO C-2, ORDINANCE ADOPTION, CORRECTION OF ZONING LINE

- (a) Report from City Manager NOV22-04-647 W2
- (b) Ordinance No. 10087 relating to zoning: amending Ordinance No. 10017 to amend the map showing the zoning district boundaries in the area located at the northeast corner of Speedway Boulevard and Kolb Road in case C9-03-23, Lowe's – Kolb Road, C-1 to C-2; and declaring an emergency.

9. ZONING: (C9-04-11) LANDMARK SERIES I – FIRST AVENUE, MH-1 TO C-1, CITY MANAGER'S REPORT

- (a) Report from City Manager NOV22-04-648 W3
- (b) Report from Zoning Examiner dated October 29, 2004
- (c) Request to rezone approximately 9.78 acres from MH-1 (Low Density Mobile Home) to C-1 (Low-intensity Commercial) zoning. Applicant: Steve Shields of Intertech Architectural Interiors, on behalf of the property owner, Greg Wexler of Landmark Series I.

The rezoning site is located on the northeast corner of First Avenue and Limberlost Drive. The preliminary development plan proposes 107,038 square feet of retail uses in seven structures on 9.78 acres.

Planning Considerations: The *Northside Area Plan* supports retail development in this location. Authorization of the requested C-1 zoning is appropriate, subject to compliance with the recommended conditions.

The Zoning Examiner recommends approval of the C-1 zoning. The City Manager recommends approval of the C-1 zoning subject to the following conditions:

1. A development plan in substantial compliance with the preliminary development plan dated October 14, 2004, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the Land Use Code.
2. Dedication, or verification of existence, of right-of-way, per the Major Streets and Routes Plan (including applicable intersection widening), along the site frontage abutting First Avenue. The Major Streets and Routes Plan calls for 75 foot east of and parallel with the section line, which is also the centerline of First Avenue, for 300 feet north of the intersection of First Avenue and Limberlost Drive. From that point, the right of way should taper from 75 feet to 60 foot one-half right-of-way width at 600 feet north of intersection.
3. Dedication of a 30-foot radius spandrel at the northeast corner of First Avenue and Limberlost Drive.
4. Dedication of right-of-way to a line 45 feet north of and parallel with the monument line on Limberlost Drive to the easterly project boundary.
5. Design and construction of a center median with a left turn bay extending from the western most access point on Limberlost Drive to First Avenue, westbound lane, westbound right turn lane, 5 foot bike lane, curb, and 5 foot-wide sidewalk on north side of Limberlost Road frontage with appropriate street taper for westbound traffic east of the southerly prolongation of the east property line of the project. In order to match ultimate planned cross-section for Limberlost Drive east of this project, design should transition so that the face of curb is located at 23 feet north of the monument line of Limberlost Drive at the southerly prolongation of the easterly property line of this project.
6. Design and construction of a bus bay/pullout on First Avenue at the northeast corner of the intersection of First Avenue and Limberlost Drive, or as approved by the Transit Services Division of the Department of Transportation.
7. Design and construction of northbound right turn lane, 5 foot bike lane, with the curbs and 6 foot wide sidewalk along entire length of First Avenue frontage coordinated with the upcoming First Avenue, River Road to Prince Road District Street Lighting and Sidewalk Improvements Project.

8. The owner/developer shall participate in the upcoming First Avenue, River Road to Prince Road District Street Lighting and Sidewalk Improvements Project and shall coordinate all design with the Project Manager for this project at the City of Tucson Department of Transportation.
9. Closure of any existing curb cuts that will not be used for vehicular access.
10. Traffic signal modifications as required by Traffic Engineering.
11. The Developer shall conduct a Category II TIA in accordance with the Access Management Guidelines.
12. Primary access shall be from First Avenue. The westernmost ingress/egress point on Limberlost Drive shall be designed as a right-in/right-out ingress/egress point, as approved by Traffic Engineering.
13. Access to the site shall be limited to a maximum of two points from First Avenue and two points from Limberlost Drive. The eastern most access point on Limberlost Drive shall be an "Emergency Only" access with a locked gate that meets Fire Code standards to be a "break-away gate". There shall be no ingress or egress from this eastern most Limberlost Drive access except for emergency purposes. All access shall be located in conformance with the spacing requirements of the Access Management Guidelines.
14. Access points shall align with existing access points or roadways or shall be separated by a minimum of 150 feet from any access points or roadways unless otherwise approved through the traffic study.
15. The owner/developer shall agree to providing cross-access easements and connectivity along the north and east boundaries.
16. The required landscaping on the east property line shall be augmented with 24 inch boxed canopy trees planted 25 feet on-center. Prior to development on the site, a landscaping plan shall be presented to representatives of the affected neighborhood associations for their input and approval. The amount and maturity of the vegetation shall be in keeping with the landscape plan presented to the neighborhood representatives in their September and October 2004 meetings and dated May 14, 2004. Drought-tolerant landscaping shall be used that reflects the native environment. Palm trees and oleander shall not be used in the landscaping. Landscaping on site shall consist of native type landscape trees such as mesquite, acacia and palo verde. The mature trees located at the north end of the property line shall be retained as part of the landscaping and shall act as the buffer to the adjacent residential properties to the north to the extent permissible under the Land Use Code and any subsequent variances approved by the Board of Adjustment.

17. A six-foot decorative masonry wall is required on the east property line. Existing walls on adjacent properties may be used to meet this requirement with the approval of the adjacent property owner(s). If the existing wall on the adjacent property is used to meet this condition, the owner/developer agrees to repair and/or replace the wall if it is damaged or removed.
18. All loading zones and dumpsters shall be located a minimum of 50 feet from adjacent residential zoning.
19. Where adjacent to residential zoning, the loading zones on the east side of the site shall be screened with 10 foot high masonry walls.
20. Loading and unloading of goods, and trash collection within 200 feet of the east property line shall be permitted only between the hours of 6 AM and 9 PM.
21. Where adjacent to residential zoning, no second story windows or balconies facing north or east within 250 feet of the north or east property line, unless the sill height is a minimum of 70 inches, or the glass is obscure.
22. Signage is to be integrated into the overall design of the project, demonstrating aesthetic appeal and promoting ease of use of the development. Notwithstanding any other provision of the Tucson Sign Code, approved signs on the rezoning site may not change advertising copy by any type of electronic process.
23. The owner/developer shall provide information and architectural elevations to justify (subject to LUC compliance) the increased height of the proposed entry feature of the 45,000 square foot building (Major 1) situated in the northeast corner of the parcel to 40 feet. As shown on the preliminary development plan, the 36,860 square foot building (Major 2) situated in the southeast corner of the parcel shall be a maximum of 26 feet in height at its northern most end, but will be stepped up from 21 feet 3 inches at its southern most end; the start of the 26 feet height shall be no less than 128 feet from the center line of Limberlost Drive. The 8,500 square foot building (Semi Major/Shops A) located in between these two buildings shall be a maximum of 30 feet including architectural features. The 5,000 square foot building (Pad 1) with 1,500 square foot patio situated in the northwest corner shall be a maximum of 29 feet 6 inches including architectural features. The 3,000 square foot building (Pad 2) shall be a maximum height of 19 feet 10 inches and the two buildings (Shops B) on the western (3,840 square feet) and southwestern (3,338 square feet) edges of the site shall be a maximum of 21 feet 3 inches including architectural features.

24. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate two (2) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
25. Four (4) inch block or chain link fencing shall not be used for perimeter walls.
26. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A.R.S. 41-865.C9-04-11
27. All outdoor pole and building lighting shall be full cut-off lighting – directed down and away from residential parcels and public roadways. All outdoor pole and building mounted lighting shall be mounted no higher than 17 feet within 75 feet of residential development or zoning. The applicant owner shall provide a photometric plan prepared by a professional lighting consultant that indicates outdoor lighting is uniform, renders color accurately, and does not create excessive overflow lighting.
28. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
29. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.

30. The owner/developer shall time all development within the rezoning area to coincide with the availability of treatment and conveyance capacity in Pima County's downstream public sewerage system. The owner/developer must obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity for the proposed development is available, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. If treatment and/or conveyance capacity will not be available via public funding mechanisms within a time frame compatible with the owner/developer's schedule for development, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system, within the context of a formal development or sewer service agreement between the owner/developer and Pima County.
31. The owner/developer shall fund, design and construct all necessary sewers to serve the rezoning area and provide both capacity and service to all adjacent, up-gradient properties that do not have access to the public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
32. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Pima County Wastewater Management and/or Development Services Departments at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
33. The owner/developer shall complete the construction of all necessary public and/or private sewers, obtain all necessary discharge authorizations (approvals of constructions) from the Arizona or Pima County Department of Environmental Quality, and convey those sewers that will be publicly maintained to Pima County, before treatment and conveyance capacity in Pima County's public sewerage system will be allocated for development within the rezoning area. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.
34. Drive-through windows are prohibited except that a single drive-through window may be on PAD 2 as shown on the preliminary development plan dated October 14, 2004.
35. Hours of operation shall be no earlier than 5 AM and no later than 12:00 AM (midnight).

36. Pedestrian access from the northeast corner of the site shall be provided by installing a gate in the perimeter wall subject to the adjacent apartment complex owner's approval.
37. The owner/developer shall maximize the amount of water harvesting on the site. Stormwater (water harvesting) shall, wherever possible, be used for irrigation of landscaping on the site. The developer shall investigate the use of a pervious surface for the parking lot and shall present the findings (type of surface, cost analysis, and manufacturer) at a meeting of the neighborhoods held for that purpose.
38. The owner/developer shall offer to meet with members of all homeowner's associations within one (1) mile of the site to review the proposed development plan no less than ten (10) days prior to submitting for Community Design Review Committee (CDRC) review. Documentation of the meeting(s) with the homeowner associations, including invitations, sign-in sheets, and minutes, shall be provided with the CDRC submittal.
39. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Two (2) written approvals and one (1) written protest have been received for this case.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager NOV22-04-649 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, December 6, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.